

**Heimdal, Monica**

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**From:** foia@erulemaking.net  
**Sent:** Wednesday, October 08, 2014 6:19 PM  
**To:** Heimdal, Monica  
**Subject:** FOIA Assignment for EPA-R8-2015-000304

You have been assigned to the FOIA request EPA-R8-2015-000304. Additional details for this request are as follows:

- Assigned By: Richard Archuleta
- Request Tracking Number: EPA-R8-2015-000304
- Due Date: 11/06/2014
- Requester: Greg Schwartz
- Request Track: Simple
- Short Description: N/A
- Long Description: Ms. Dew:

Please see the attached letter for more details and background information on our request. Thank you.

Sincerely,

Greg Schwartz

RE: Wilson Village RV Resort

# THE COLEMAN LAW FIRM, LLC

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October 8, 2014

## ATTACHMENT TO ONLINE SUBMISSION

Attn: Monica Heimdal  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop St.  
Denver, CO 80202-1129

RE: Freedom of Information Act Request  
Matter: *In re BIP 40, LLC*  
Docket No.: CWA-08-2013-0033  
Army Corps of Engineers ID#: NOW-2013-1120-BIS

Dear Ms. Heimdal:

I am writing to request copies of all documents in the U.S. Environmental Protection Agency's ("EPA") entire file for *In re BIP 40, LLC* (Docket No. CWA-08-2013-0033). We understand that the EPA commenced enforcement proceedings against BIP 40, LLC ("BIP 40") for the restoration and/or remediation of certain wetlands located on or near the construction site of a project called the Williston Village RV Resort ("Project") located in Williston, North Dakota. This request includes, but is not limited to, the following:

1. Documents and/or correspondence that comprise the factual record for the Administrative Order on Consent that was filed in the above-referenced matter;
2. Documents and/or correspondence that were created, reviewed, or exchanged during the course of the EPA's enforcement proceedings;
3. Documents and/or correspondence relating to the restoration and/or remediation of the impacted wetlands;
4. Transcripts or audio recordings of any proceedings, hearings, meetings, etc. between BIP 40 and the EPA; and

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5. Documents that were drafted by or sent to, or that refer to or mention, SBL Associates, LLC, or any of its owners, employees, subconsultants, and/or subcontractors.

By way of background, BIP 40 was the developer of the Project, which was located in Section 24, Township 155 North, Range 101 West of the fifth principal meridian in Williston, Williams County, North Dakota. Construction appears to have occurred over the course of two years, beginning in 2012 and ending in 2013. During the course of construction, BIP 40, or one of its contractors, discharged dredged or fill material without authorization from the Army Corps of Engineers ("ACOE") in a manner that impacted 4.5 acres of wetlands protected under the Clean Water Act.

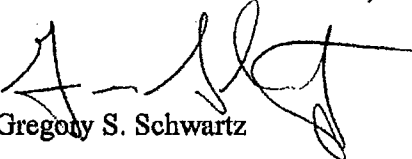
We understand that an Administrative Order on Consent was filed in *In re BIP 40, LLC* after BIP 40 submitted a request, or permit application, to the ACOE to discharge dredged or fill material onto wetlands located on or near the construction site of the Project. The ACOE identification number is NOW-2013-1120-BIS. The ACOE ultimately rejected BIP 40's request, and the EPA commenced enforcement proceedings against BIP 40 for the restoration and/or remediation of the impacted wetlands.

We would greatly appreciate receiving a cost estimate and estimate of the volume of responsive documents before the EPA makes any copies of documents. Should you have any questions, please do not hesitate to contact me directly at 612-877-8203 or [gss@jwcolaw.com](mailto:gss@jwcolaw.com).

Thank you for your attention to this matter.

Sincerely,

THE COLEMAN LAW FIRM, LLC



Gregory S. Schwartz

GSS/vg